

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MICHELLE MARTCHINK

Plaintiff,

VS.

ST. AGNES HOME

Defendant.

No. 4:24-cv-00192 SPM

JURY TRIAL DEMANDED

DEFENDANT ST. AGNES HOME'S MOTION TO DISMISS

COMES NOW Defendant St. Agnes Homes (“SAH”), by and through the undersigned counsel, pursuant to Rule 12(b)(6), and for its Motion to Dismiss Plaintiff’s claims, state as follows:

1. In her First Amended Petition (“FAP”), Plaintiff has filed a single count captioned “disability discrimination and retaliation under the Americans with Disabilities Act” (“ADA”) against SAH.

2. This claim fails, however, and should be dismissed because Plaintiff has not alleged facts sufficient to support such a claim because Plaintiff has failed to allege she is disabled within the meaning of the ADA or that she is capable of performing the essential functions of her job.

3. SAH incorporates by reference each of the arguments set forth in its Memorandum of Law filed contemporaneously with this Motion.

WHEREFORE, Defendant St. Agnes Home respectfully requests this Court Dismiss Plaintiff's claim against it and any further relief this Court deems just and proper.

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By: /s/ Catherine M. Robertson

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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of February, 2024, a true and correct copy of the foregoing was filed electronically with the Clerk of Court via the Court's ECF electronic filing system, and served by e-mail to:

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